

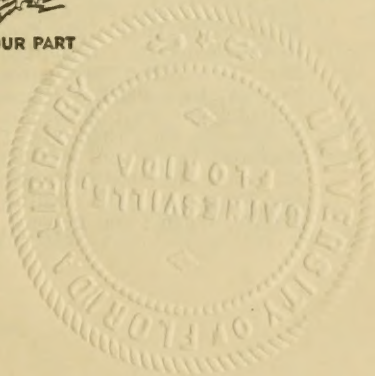
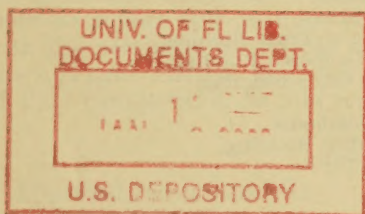
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

TEXTILE PRINT ROLLER
ENGRAVING INDUSTRY

AS APPROVED ON MARCH 8, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

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Approved Code No. 324

CODE OF FAIR COMPETITION

FOR THE

TEXTILE PRINT ROLLER ENGRAVING INDUSTRY

As Approved on March 8, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE TEXTILE PRINT
ROLLER ENGRAVING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Textile Print Roller Engraving Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

W. A. HARRIMAN,
Division Administrator.

WASHINGTON, D.C.,
March 8, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Textile Print Roller Engraving Industry of the United States, as revised after a Public Hearing conducted in Washington on December 29, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS AS TO HOURS AND WAGES

Employees are limited to 40 hours per week and 8 hours per day except that upon specific approval of the Joint Industrial Relations Board, established under the Code, any employee may be permitted to work 48 hours per week in any 12 weeks in any calendar year, provided time and a half is paid for all hours worked in excess of 8 per day or 40 per week. Care and maintenance employees and stock, shipping, and delivery employees are permitted a tolerance of 10%, providing that they do not work in excess of 44 hours per week in any 6 weeks in any 6 month period. Employees engaged in outside service work or emergency maintenance or emergency repair work may be employed for any required number of hours, if paid time and a half for all hours in excess of 8 per day or 40 per week. Watchmen may work 56 hours per week but only 6 days in 7 days. The hour limitation does not apply to persons employed in a managerial, executive, or supervisory capacity who receive more than \$35 per week or to commercial traveling salesmen. Office employees may work 40 hours per week and 9 hours in any 24 hour period but a normal day shall not exceed 8 hours.

The minimum wage paid all employees will be \$16 per week, or 40 cents per hour, except that wages for apprentices and learners may be at a lesser rate to be determined by the Joint Industrial Relations Board.

CHILD LABOR

The minimum age of employees will be 16 years except in hazardous occupations where the minimum will be 18 years.

ECONOMIC EFFECT OF THE CODE

The Textile Print Roller Engraving Industry is a service industry engraving printing rolls and plates for the textile printing industry. The demand for the products of the Industry follows the demand for textiles and the changes in styles and designs.

Prior to the signing of the President's Reemployment Agreement, the hours in the Industry averaged 48 per week.

The aggregate number of employees in the Industry in 1929 was 3000 but this had dropped to a low point of approximately 1800 early in 1933. Operating under the President's Reemployment Agreement and the hour and wage provisions of this Code, employment has been increased by 200 employees with an additional purchasing power of ten percent.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, this Code has been approved by me.

Respectfully,

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

MARCH 8, 1934.

CODE OF FAIR COMPETITION FOR THE TEXTILE PRINT ROLLER ENGRAVING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Textile Print Roller Engraving Industry and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The following terms are used herein with the meanings set forth below:

SECTION 1. "Textile Print Roller Engraving Industry" or the "Industry"—the engraving of copper, steel and brass rollers, dies, mills and plates used for the printing and embossing of textile fabrics, paper and leather, and all related branches or sub-divisions thereof.

SECTION 2. "Member of the Industry"—without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

SECTION 3. "Employee"—anyone engaged in the Industry in any capacity, receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

SECTION 4. "Employer"—anyone by whom any such employee is compensated or employed.

SECTION 5. "Person"—a natural person, a partnership or a corporation, or any other entity.

SECTION 6. "Guild"—the Master Engravers Guild, a non-profit association with principal offices at Bound Brook, New Jersey.

SECTION 7. "President", "Act", and "Administrator"—respectively, the President of the United States of America, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery under said Act.

SECTION 8. "Effective date"—the tenth day after the Code has been approved by the President.

ARTICLE III—HOURS

SECTION 1. No employee, except as hereinafter provided, shall be permitted to work in excess of forty (40) hours in any one (1) week, nor in excess of eight (8) hours in any one (1) day, nor in excess of five (5) days in any one (1) week, and only between 7 A.M. and 7:30 P.M.; provided, however, that upon specific ap-

proval of the Joint Industrial Relations Board, established and functioning pursuant to Article VI hereof, employees within any defined area of the Industry may be permitted to work not in excess of forty-eight (48) hours per week in any twelve (12) weeks in any calendar year; provided, further, that time and a half shall be paid for all hours worked in excess of eight (8) hours in any one (1) day or forty (40) hours in any one (1) week.

SECTION 2. The limitations as to hours of labor stipulated in Section 1 of this Article shall not apply to:

(a) Employees engaged in the care and maintenance of plant, machinery and production facilities and as stock and shipping clerks and delivery employees, who may be permitted to work not in excess of eight and eight-tenths (8.8) hours in any one (1) day; provided, however, that such employees shall not be permitted to work in excess of forty-four (44) hours per week for more than six (6) weeks in any six (6) month period.

(b) Outside service employees or employees engaged in emergency maintenance or emergency repair work in the plant of a member of the Industry, or for a customer of such member in the customer's plant, who may be permitted to work such hours as may be required by the necessities of the situation; provided, however, that such outside service employees or employees engaged in emergency maintenance or emergency repair work shall be paid at the rate of time and one-half for all hours worked in excess of eight (8) hours in any one (1) day or forty (40) hours in any one (1) week.

(c) Watchmen, who may be permitted to work not in excess of fifty-six (56) hours in any one (1) week nor in excess of six (6) days in any seven (7) day period.

(d) Persons employed in a managerial, executive, or supervisory capacity, who receive more than thirty-five (35) dollars per week, or commercial traveling salesmen.

SECTION 3. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one (1) week or in excess of nine (9) hours in any twenty-four (24) hour period. A normal day shall not exceed eight (8) hours.

SECTION 4. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for another employer or employers in the Industry, exceeds the maximum permitted herein.

SECTION 5. Any employer who does the work of an employee shall be subject to the provisions of this Code as to hours of labor.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of sixteen (16) dollars per week, or forty (40) cents per hour; provided, however, that the Joint Industrial Relations Board, established and functioning pursuant to Article VI hereof, may hereafter determine the minimum wages to be paid apprentices and learners, subject to the approval of the Administrator.

SECTION 2. This Article establishes a minimum rate of pay, regardless of whether an employee is actually compensated on a time rate, piece-work or other basis.

SECTION 3. No employee whose normal full time weekly hours for the four (4) week period ending June 30, 1933, are reduced by sixteen and two-thirds ($16\frac{2}{3}$) percent or less shall have his or her full time weekly earnings reduced.

SECTION 4. Female employees performing the same work as male employees shall receive the same rate of pay as male employees, and where they displace men, they shall receive the same rate of earnings as the men they displace.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. Each member of the industry shall submit to the Code Authority within ninety (90) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority or Agency in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. In compliance with Section 7 (a) of the Act it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint or coercion of employers of labor or their agents in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing.

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SECTION 4. Within each State this Code shall not supersede the laws of any such State which impose more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance or fire protection than are imposed by this Code.

SECTION 5. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within six (6) months after the effective date of this Code.

SECTION 6. Every employer shall make payment of all wages due in lawful currency or by negotiable check therefor payable on de-

mand. No deduction from wages shall be made by any employer for any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners, or required by State laws. Wages shall be paid at least at the end of every semi-monthly period, and salaries at least at the end of every month. No employer shall withhold wages.

SECTION 7. Each employer shall post Articles III, IV, V, and VI of this Code in conspicuous places accessible to employees.

ARTICLE VI—JOINT INDUSTRIAL RELATIONS BOARD

SECTION 1. A Joint Industrial Relations Board is hereby established to consist of three (3) representatives of employers and three (3) representatives of employees to deal with all matters in the Code relating to labor. Where a majority agreement of this Board cannot be reached, the Board shall select an impartial chairman to render a decision.

SECTION 2. The creation and functioning of this Board, including the selection of representatives of employees, shall be in accordance with Section 7 of the Act. The three (3) representatives of the employees shall be designated by the Friendly Society of Engravers, and the three (3) representatives of the employers shall be designated by the voting members of the Code Authority. The decisions of this Board shall be final and binding on employers and employees only after approval by the Administrator.

SECTION 3. Should the Administrator hereafter find, after such notice and hearing as he may specify, that the Friendly Society of Engravers is not truly representative of the employees or that for any other reason, within the purview of the Act, the method of selection of the employee representatives should be changed, he may require an appropriate modification in the method of selection of the employee representatives.

ARTICLE VII—ADMINISTRATION

To effectuate further the policies of the Act, a Code Authority is hereby constituted:

SECTION 1. Organization and constitution of Code Authority:

(a) The Code Authority shall consist of five (5) representatives of the Master Engravers Guild to be selected by the Board of Directors of the Master Engravers Guild. Members of the Industry who are non-members of the Guild may, if they so desire, elect two (2) members of the Code Authority in any fair manner approved by the Administrator; provided, however, that only those non-members who agree to pay their reasonable share of the expense of the administration of the Code shall be entitled to participate in the election of the representatives of the non-members. The Administrator in his discretion may appoint one (1) to three (3) additional members without vote to represent the Administrator or such groups or interests as he may designate.

(b) The Guild or any Association directly or indirectly participating in the activities of the Code Authority agree to (1) impose no inequitable restrictions on membership, and (2) submit to the

Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(c) In order that the Code Authority shall at all times be truly representatives of the non-members. The Administrator in his discharge of the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

(d) Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of its administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SECTION 2. The Code Authority shall have the following duties and powers to the extent permitted by the Act:

(a) To adopt by-laws and rules and regulations for its procedure and for the administration of this Code, except such matters as come within the jurisdiction of the Joint Industrial Relations Board, established and functioning pursuant to Article VI hereof.

(b) To require from members of the Industry such reports as are necessary to effectuate the purposes of the Act, make investigations upon its own initiative or upon complaint of any member of the Industry as to the functioning and observance of any provision of the Code; hear all matters developing from such investigations to determine the same; and from time to time present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of the provisions of the Act.

(c) To hear all matters pertaining to the provisions of the Code which may be submitted to it by any member of the Industry; report such matters to the Administrator; and exercise any other general and lawful powers which may be necessary to facilitate the administration of this Code.

(d) To study the effect of the provisions of this Code on the Industry and consider proposals for modifications and amendments thereto and make recommendations from time to time to the Administrator which modifications and amendments shall become effective as a part of this Code upon approval by the Administrator after such notice and hearing as he may specify.

(e) To cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry. After such system and methods have been formulated, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

(f) To obtain from members of the Industry such information and reports as are required for the administration of the Code and provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided, however, that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to anyone not a member of the Code Authority; provided, further, that such information and reports shall at all times be available to the Administrator.

(g) To cooperate with the Administrator in regulating the use of any National Recovery Administration insignia solely by those members of the Industry who have assented to and are complying with this Code.

(h) To investigate the importation of competitive articles into the United States on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code and of the Act; the Code Authority is hereby designated as the Agency for making complaint to the President on behalf of the Industry, under the provisions of the Act, with respect thereto.

(i) To provide for the compliance of the Industry with the provisions of the Code, under such Rules and Regulations as may be prescribed by the Administrator.

(j) To represent the Industry in conferring with the President or his agents with respect to the administration of this Code and with respect to the Act and any regulation issued thereunder.

(k) To coordinate the administration of this Code with such Codes, if any, as may be adopted by any subdivision of this Industry or any related Industry, with a view to providing joint and harmonious action on all matters of common interest; all with the approval of the Administrator.

SECTION 3. If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VIII—TRADE PRACTICES

The following practices constitute unfair methods of competition and are prohibited:

SECTION 1. *Selling Below Reasonable Cost.*—When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such deter-

mination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such product. When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 2. *False Billing*.—Withholding from or inserting in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 3. *Misrepresentation*.—Making, causing, or permitting to be made or published any false or misleading or materially inaccurate statement concerning the grade, quality, or nature of any process in the Industry or results obtainable thereby.

SECTION 4. *Defamation*.—Making or causing to be made false or defamatory statements concerning a competitor, his business, policies or products.

SECTION 5. *Commercial Bribery*.—Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party; provided, however, that this shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 6. *Subterfuge, Collusion*.—Knowingly violating or inducing another to violate or using subterfuge to evade the Code of Fair Competition of this or of any other Industry, or being an accessory to such evasion or violation.

SECTION 7. *Secret Rebates*.—Secretly making or offering to make payment or allowance of rebates, refunds, commissions, credits, unearned discounts, or excess allowances, whether in the form of money or otherwise, or secretly extending or offering to extend to any customer any special service or privilege not extended to all customers of the same class.

SECTION 8. *Dividing Compensation*.—Paying or allowing to anyone who is engaged in the processing of goods any part of the compensation received by a member of the Industry for services within the Industry performed for a third party.

SECTION 9. *Subcontracting Work*.—Contracting with an employee of a member of the Industry to do work of an engraving nature outside his regular hours of employment. Each member of the Industry shall furnish the Code Authority within thirty (30) days after the effective date of this Code, and once every month thereafter, the names of any persons to whom work of an engraving nature has been given to be performed off the premises of such

member of the Industry. The list of names so filed shall be available to the Administrator upon request.

SECTION 10. *Estimating*.—No member of the Industry shall quote prices for engraving of any nature until patterns have first been submitted to him for estimating.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President in accordance with the provisions of Section 10 (b) of the Act, from time to time, to cancel or modify any order, approval, license, rule or regulation issued under said Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or change in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval by the President.

ARTICLE X—MONOPOLIES

SECTION 1. Nothing in this Code shall be interpreted or applied in such a manner as to permit or promote monopolies or monopolistic practices, permit or encourage unfair competition or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XI—EFFECTIVE DATE

SECTION 1. This Code shall become effective on the tenth day after its approval by the President.

Approved Code No. 324.
Registry No. 504-9-01.



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